

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
)
v.) No.: 2:08-CR-38
) JUDGE JORDAN
PHILLIP S. GRAY)

SENTENCING MEMORANDUM

COMES NOW the United States of America, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, and files this sentencing memorandum.

The statutory provisions for Count 1 of the sentencing offense is a minimum mandatory term of imprisonment of 120 months. The presentence report prepared by U.S. Probation establishes the advisory guideline range to be an offense level of 34 with a criminal history category of VI, or 262 to 327 months. The United States believes that this range, 262 to 327 months, adequately considers the sentencing factors enumerated in 18 U.S.C. §3553(a).

By separate document, the United States will move the Court to depart from the applicable advisory guideline range due to substantial assistance provided by the defendant to the United States. In considering the appropriate reduction based upon that

motion, only factors relating to a defendant's cooperation may influence the extent of a departure pursuant to 18 U.S.C. §3553(e).

Respectfully submitted this the 26th day of October, 2009.

JAMES R. DEDRICK
UNITED STATES ATTORNEY

By: s/ Caryn L. Hebets.
CARYN L. HEBETS
ASSISTANT UNITED STATES ATTORNEY
208 SUNSET DRIVE, SUITE 509
JOHNSON CITY, TN 37604
423/282-1889

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2009, the foregoing was filed electronically. Notice of this filing was sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. Counsel not indicated on the court's EFS will be served by regular U.S. Mail, postage prepaid.

s/ Caryn L. Hebets
Assistant U.S. Attorney